



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 8059-99
21 July 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps filed enclosure (1) with this Board requesting recharacterization of his discharge to honorable.

2. The Board, consisting of Mr. Caron, Mr. Swarens and Mr. Zarnesky, reviewed Petitioner's allegations of error and injustice on 18 July 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 30 July 1951 at age 17. At that time, he had completed 11 years of education and attained a GCT score of 93, which placed him in Mental Group III.

d. Petitioner served in a satisfactory manner for almost two years. During this initial period of good service he served in Korea from 14 March 1952 to 27 February 1953. On 4 August 1953 he was convicted by a summary court-martial of an unauthorized absence of about 15 days. About two months later, on 8 October 1953, he received nonjudicial punishment for an unauthorized absence of about two days. He then served the

remainder of his enlistment without further disciplinary infractions. He was released from active duty on 29 July 1954 with his service characterized as under honorable conditions. Subsequently, he was issued a general discharge on 14 August 1959 at the end of his military obligation.

e. The Board is aware that character of service is based, in part, on conduct and proficiency averages, which are computed from marks assigned during periodic evaluations. Petitioner's average mark in conduct was 3.8. A 4.0 average mark in conduct was required at the time of his separation for a fully honorably characterization of service.

f. Petitioner states in his application, in effect, that his discharge was based on an isolated incident and he desires an honorable discharge before he dies.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner's initial period of good service, which include completion of a tour of service in Korea. The Board also notes the isolated and relatively minor nature of his offenses, which occurred after his return from Korea. Although the characterization of service was proper at the time, the Board concludes that no useful purpose is now served by the characterization of service of under honorable conditions and the subsequent general discharge, and recharacterization to honorable is now warranted.

Therefore, the record should be corrected to show that his service was characterized as honorable on his release from active duty on 29 July 1951 and that he was subsequently issued an honorable discharge on 14 August 1959 at the end of his military obligation.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 29 July 1954 his service was characterized as honorable and that he was issued an honorable discharge certificate on 14 August 1959, vice the characterization of service under honorable conditions and the general discharge now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

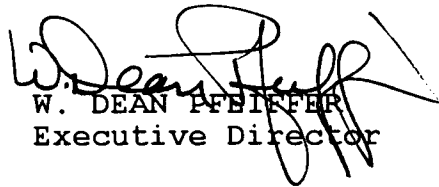
complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director